

REMARKS

I. Introduction.

Claims 27-40 are now pending in this Application, with Claims 1-26 having been previously canceled or canceled hereby.

II. Correction of Non-Compliance.

The Examiner has pointed out that the claim amendments accompanying the RCE filed October 20, 2006 did not have a proper listing of the claims in that Claims 1-3, 8 and 10-26 had been previously canceled.

From a review of the prosecution history it is noted that the Response To Office Action filed by the Applicant November 15, 2004 in which claims 1-3, 8 and 10-26 were ostensibly canceled was not entered into the record. Indeed, the first paragraph in the Detailed Action section of the following non-final Office Action mailed February 2, 2005 states that such previous Response "has not been entered".

Nonetheless, to advance prosecution of the instant application, Applicant hereby cancels (or acknowledges the previous cancellation) of claims 1-26, and enters new claims 27-40 for further prosecution on the merits.

It is respectfully pointed out that new claim 27 corresponds to canceled claim 1 and thus incorporates the limitation of the base being smaller than the area of each of the recesses so that in the absence the retaining fastener a cleat can wiggle in a recess and the ratio of the length of the mounting hole to width of the mounting hole is from about 8:7 to 10:7. Applicant respectfully submits that these limitations, taken in combination, are not anticipated or rendered obvious by the prior art applied by the examiner in rejecting the canceled claims.

It is respectfully pointed out that new claim 37 corresponds to canceled claim 15 and incorporates the limitations of canceled claims 16 and 17 in combination, namely that the area of the base is smaller than the smallest area of the recess of any of the shoes of the plurality so that in the absence the retaining fastener the cleat may wiggle within the recess, and the ratio of length to width of the oblong aperture from 8 to 7 to about 10 to 7.

It is respectfully pointed out that new claim 39 corresponds to canceled claim 19 and incorporates the limitations of canceled claims 20, 21 and 22 in combination to recite that the area of base of each universal cleat is less than the area of the respective recess so that in the absence of a retaining screw the universal cleat may wiggle in the recess, and all of the cleats are universal cleats, and the area of the universal cleat base is from about 85% to 95% of the respective recess.

It is respectfully pointed out that new claim 40 corresponds to canceled claim 23 and incorporates the limitations of canceled claims 24, 25 and 26 by reciting that the area of the base of each universal cleat is less than the area of the respective recess so that in the absence of a retaining screw the universal cleat may wiggle in the recess, and all of the cleats are universal cleats in the area of a universal cleat base is from 85% to 95% of the respective recess.

Applicant respectfully submits that these amendments to the claims effectively distinguish the claims over the prior art as cited by the examiner heretofore in that none of the prior art, whether taken individually or in combination, teaches the or suggests the claims as currently amended.

III. Conclusion.

In light of the above amendments and remarks, it is therefore respectfully submitted that a properly corrected section of the non-compliant amendment in compliance with 37 C.F.R. § 1.121 has been submitted. As all issues raised by the Examiner have been addressed, an early and favorable action on the merits is earnestly solicited.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance.

In accordance with 37 C.F.R. § 1.97(b), it is believed that submission of this statement requires no fee. However, if for any reason a fee is due, the Commissioner is hereby authorized to charge payment of any fees required in connection with this Response to Deposit Account No. 50-1943, Order No. 81699-15001.

An early and favorable action is respectfully requested.

Respectfully submitted,

Fox Rothschild, LLP
Attorneys for Applicant
100 Park Avenue
Suite 1500
New York, NY 10017
(212) 878-7900

By: 

John J. Skinner, Jr.
Reg. No. 42,153

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